

UWY-X06-CV18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET ALS., : COMPLEX LITIGATION
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS. : MARCH 23, 2022

UWY-X06-CV18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
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BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:

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ATTORNEY MATTHEW BLUMENTHAL
ATTORNEY ALINOR STERLING
Koskoff Koskoff & Bieder
350 Fairfield Avenue
Bridgeport, CT 06604

Representing the Defendants, Alex Emric Jones; Infowars,
LLC; Free Speech Systems, LLC; Infowars Health, LLC;
Prison Planet TV, LLC:

ATTORNEY NORMAN PATTIS
ATTORNEY CAMERON ATKINSON
Pattis & Smith, LLC
383 Orange Street, #1
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Representing the Defendants, Genesis Communications
Network, Inc.:

ATTORNEY MARIO CERAME
Brignole, Bush & Lewis
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Recorded By:

Jocelyne Greguoli

Transcribed By:

Jocelyne Greguoli

Court Recording Monitor

400 Grand Street

Waterbury, Connecticut 06702

1 THE COURT: All right. Good morning, everyone.
2 This is Judge Bellis and we are on the record and I
3 understand we're also livestreaming on the Lafferty
4 versus Jones matter. Lead docket number 18-6046436.

5 And starting with plaintiffs' counsel, please
6 identify yourselves for the record.

7 ATTY. MATTEI: Good morning, Your Honor. This
8 is Chris Mattei on behalf of the plaintiffs. I'm
9 joined by my colleagues, Alinor Sterling and Matthew
10 Blumenthal.

11 THE COURT: For the defend -- Jones defendants?

12 ATTY. PATTIS: Norm Pattis and I see that
13 Attorney Atkinson is on as well, Judge.

14 THE COURT: Okay. If you could just activate
15 your camera, Attorney Atkinson, that would be
16 helpful. Thank you. And --

17 ATTY. ATKINSON: Your Honor, if I may? I have
18 it activated on Teams, but for some reason I'm
19 getting a message that the video is not working.

20 THE COURT: Okay. All right. Well, if you
21 can't get it to work, I suppose we're okay. I assume
22 Attorney Pattis is going to take the lead in any
23 event.

24 And then, Attorney Cerame, last but not least.

25 ATTY. CERAME: Good morning, Your Honor. Mario
26 Cerame from Brignole, Bush and Lewis for Genesis
27 Communication Network, Incorporated.

1 THE COURT: All right. So we left off yesterday
2 with the Court denying the Jones defendant's motion
3 for protective order. I'm sure I don't have to
4 refresh anybody's recollection, but the argument of
5 the Jones defendant's defense counsel was that he
6 should not be required to attend the deposition as he
7 was remaining at home under doctor's supervision and
8 evidence was submitted to the Court by way of note
9 from the doctor that he was, in fact, remaining at
10 home.

11 The issue arose as to whether he was
12 broadcasting live from his studio at the time those
13 representations were made and the arguments were made
14 and I do see that Attorney Smith timely filed the
15 notice with the Court that I had ordered be filed by
16 11 a.m. indicating that, in fact, Mr. Jones has been
17 recording live from his studio and that despite the
18 representations to the Court, he was not remaining at
19 home.

20 So I understand I know nothing except Mr.
21 Ferraro indicated that Mr. Jones had not appeared for
22 his deposition and an emergency status conference was
23 requested. I'm not sure what we can accomplish
24 today, but I suppose I'll hear from both sides and
25 see what can be done.

26 ATTY. PATTIS: Judge, as a practical matter,
27 this is Norm Pattis. I -- I would object to

1 televising or otherwise livestreaming this to the
2 public at large insofar as Mr. Jones' medical
3 condition and information about it may be recited and
4 he -- he stands by -- by his HIPAA claims.

5 And I -- I just see at the bottom of my thing
6 two -- two parties I don't recognize, Waterbury V and
7 Greguoli or Greguoli, J. And we also had CNN on here
8 at one point.

9 THE COURT: All right. I did not receive any
10 request that -- for -- that this be televised or
11 recorded. It is going to be livestreamed because
12 it's public and short of a motion to close the
13 courtroom, all matters are livestreamed, so I can't
14 do anything about that so that it is just like if we
15 were physically in the courtroom and I have not
16 received any motion to close the courtroom or seal.

17 Mr. Ferraro, is there someone on here that you
18 don't recognize? I know that --

19 THE COURT OFFICER: No, Your Honor. Ms. -- Ms.
20 Greguoli is the court reporter and the WV Waterbury
21 is the actual virtual courtroom and the recording
22 system for that.

23 ATTY. PATTIS: Judge, I -- I was -- We were at
24 the deposition this morning. This is Norm Pattis
25 again. And I must of misunderstood. I thought that
26 there was going -- there was not going to be a status
27 conference today. I arrived at another location in

1 Austin about 20 minutes ago and saw that there was,
2 so I've tested the equipment. I'm here. I've not
3 had an opportunity to file a motion to seal. I don't
4 know if you will accept an oral motion to seal on the
5 basis of -- on the basis of potential divulging of
6 med -- confidential medical information.

7 THE COURT: Right. Well, I can't take it
8 orally, so I don't know if there's a way that you can
9 present whatever you have to present.

10 ATTY. PATTIS: I --

11 THE COURT: But I did review what I thought to
12 be a willfully inadequate letter yesterday that
13 seemed pretty current, but why don't we see how we
14 could proceed here and you can do whatever you need
15 to do, Attorney Pattis. If it's something that you
16 need to --

17 ATTY. PATTIS: Well, my --

18 THE COURT: -- try to close the courtroom, then
19 we can follow the Practice Book rules.

20 ATTY. PATTIS: We might ask for permission to
21 speak to you ex parte, but that -- let's just see
22 where we go.

23 THE COURT: There -- There is not a chance in
24 this case, not a single chance in this case. Every
25 word in this case, every single word in this case,
26 has been on the record from day one and there is not
27 a chance I will have any discussions off the record

1 with a single lawyer in this case, whether you're all
2 together or separate. I will not do it and that --

3 ATTY. PATTIS: Off the record. It can be
4 recorded, but we don't want it -- You know, Mr. Jones
5 is standing on his HIPAA claims.

6 THE COURT: Right. Okay. But I'm not -- You
7 would have to file a motion to close the courtroom
8 and it would have to be done according to the
9 Practice Book.

10 ATTY. PATTIS: Understood, Judge.

11 THE COURT: So I leave that to you. You know,
12 we'll -- we'll see how we can proceed. But I suppose
13 -- I'd like to hear from Attorney Mattei first since
14 I think he was the one that asked for this, but I
15 suppose if you have something that you want to submit
16 to the Court ex parte like was -- that was done
17 yesterday, I -- I don't see why you -- you can't do
18 that. Do you have something that you're looking,
19 Attorney Pattis, to -- a document, medical record
20 that you're looking to submit ex parte?

21 I think we just lost Attorney Pattis. All
22 right. So let's -- We have Attorney Atkinson, but
23 let's wait for Attorney Pattis to rejoin us.

24 ATTY. ATKINSON: Your Honor, I -- just for the
25 record, I am contacting him to see what happened
26 there.

27 THE COURT: Thank you. We'll standby. No

1 problem.

2 ATTY. ATKINSON: Thank you, Your Honor.

3 (The Court waited for Attorney Pattis to rejoin
4 the Teams meeting.)

5 THE COURT: Attorney Pattis, I see that you have
6 your microphone muted. I don't see your video, but
7 it looks like you've rejoined, but your microphone is
8 muted.

9 ATTY. PATTIS: Hello. This is Norm Pattis.
10 Hello?

11 THE COURT: I can hear you, Attorney Pattis. I
12 don't see your video.

13 ATTY. PATTIS: No. A call came in and it
14 blocked -- and this thing went off and I can't -- I
15 tried to log back in twice video-wise and I knew you
16 were all waiting, so I tried to call -- I'm calling
17 instead. I'll be happy to try again by video, but I
18 didn't want you to be waiting.

19 THE COURT: Why don't -- We don't mind waiting.
20 Why don't -- Don't rush. Why don't you see if --
21 We'll standby and why don't you see if you can --

22 ATTY. PATTIS: Yes, ma'am.

23 THE COURT: -- end the call and video back in.
24 Thank you.

25 ATTY. PATTIS: Yes, ma'am.

26 (The Court waited for Attorney Pattis to rejoin
27 the Teams meeting.)

1 ATTY. PATTIS: I believe I'm back. I don't know
2 if anyone can hear me or see me.

3 THE COURT: All right. Attorney Pattis, I can
4 hear you, but I can't see you.

5 ATTY. PATTIS: My -- I can see an image of
6 myself, which does me no good, but -- and the -- and
7 I don't have the bar through the video, so I'm going
8 to depress it and not again -- I -- I --

9 THE COURT OFFICER: Excuse me, Mr. Pattis. I'm
10 sorry to interrupt you.

11 But Your Honor, we have another new person,
12 William something. I did not see them before. I am
13 unaware of who that person is. They just joined on.
14 That's -- It looks like it's -- It says Williamson,
15 comma, NYT.

16 THE COURT: All right. So here's what I will
17 say: We are live -- livestreaming this; is this
18 correct, Mr. Ferraro?

19 THE COURT OFFICER: Yes, Your Honor.

20 THE COURT: And how does one access the
21 livestream? Members of the public, members of the
22 press.

23 THE COURT OFFICER: If you go to the judicial
24 website, as you normally would, there's a -- a button
25 for livestreaming events and then it pulls up all the
26 courthouses. You select the Waterbury Courthouse.
27 Unfortunately, because this was put together so

1 quickly, it is not on the schedule, but it is in
2 Virtual Courtroom 1. There was a case in Virtual
3 Courtroom 1 earlier, so if you go and hit the YouTube
4 link, even though it says that earlier case, it will
5 take you right to our case. I have let external
6 affairs know that so that if anyone inquired of them,
7 they would be able to give them those directions.

8 THE COURT: All right. That sounds a little
9 tricky to me. Is it something that someone can
10 easily navigate?

11 THE COURT OFFICER: Yes, especially if they've
12 done this before. They'll do it exactly the same way
13 except the case won't be listed, but it is Virtual
14 Courtroom 1. Normally, it would say --

15 THE COURT: All right.

16 THE COURT OFFICER: -- these three cases.

17 THE COURT: So if there is a member of the press
18 on, here's what I will say: You are under Court
19 order not to film or record this because no
20 permission has been granted by the Court. So I'm not
21 going to remove anybody at this point. You certainly
22 can listen, but you're not to film or videotape under
23 order of the Court.

24 All right. So Mr. Pattis, we have you back.
25 That's good. I'm trying to remember now where we
26 left off. I think you might have been speaking about
27 the issue on the closing the courtroom which I cannot

1 do orally.

2 ATTY. PATTIS: If we -- I understand.

3 THE COURT: Okay. So why don't we -- Go ahead.

4 ATTY. PATTIS: I believe you were turning to Mr.
5 Mattei when --

6 THE COURT: Yeah.

7 ATTY. PATTIS: -- when I --

8 THE COURT: All right. Attorney Mattei,
9 whenever you're ready.

10 ATTY. MATTEI: Good morning, Your Honor. I am
11 here in the conference room in Austin where Mr.
12 Jones' deposition was scheduled to commence this
13 morning at 9 a.m. central time. Earlier in the week,
14 as you know, the defendants filed a motion for
15 protective order seeking to have Mr. Jones excused
16 from his appearance at deposition. We opposed it.

17 There was a hearing on the matter yesterday. It
18 was revealed during the hearing and confirmed this
19 morning that contrary to a letter that a doctor
20 apparently provided that Mr. Jones was not, in fact,
21 at home under the care of his doctor, although that's
22 what had been represented. Instead, he was
23 broadcasting at his regular time at his studio in
24 Austin. The Court denied the motion for protective
25 order.

26 We appeared for his deposition this morning.

27 Mr. Jones did not appear. We waited for an hour. I

1 put on the record all of the circumstances leading up
2 to the deposition and I was made aware that, although
3 Mr. Jones did not attend his deposition this morning,
4 Mr. Pattis was accompanied by someone who was
5 described to me as Doctor Margal (phonetic). That
6 individual was present in the hotel, though not in
7 the conference room.

8 He -- I'll -- I'll let Attorney Pattis state if
9 he wishes what his role was here, what his purpose
10 was here. We asked for a hearing this afternoon and
11 we had filed a motion shortly before this hearing
12 seeking an emergency order from the Court directing
13 Mr. Jones to appear for his deposition tomorrow.

14 The deposition was originally scheduled both for
15 today and tomorrow and no evidence has been -- was
16 presented on the record this morning, although there
17 were some representations of counsel indicating why
18 Mr. Jones was not here this morning and we think, at
19 this point given the circumstances leading up to this
20 deposition, that Mr. Jones' continued refusal to
21 appear for a deposition is nothing more than willful
22 defiance of the Court's order in an effort to cheat
23 the plaintiffs out of their right to question him
24 concerning his misconduct over many years and his
25 infliction of harm on them over many years.

26 I understand that yesterday during his live
27 broadcast he was raising money for his legal defense,

1 encouraging his audience to contribute to his legal
2 defense and yet he failed to appear. I also
3 understand that just within the last several minutes,
4 Mr. Jones called into his regular broadcast and --
5 and although I don't know where he is presently, he
6 called into his regular broadcast and is -- was
7 apparently well enough to comment on the current
8 situation in Eastern Europe.

9 So we are asking the Court to issue an order
10 directing his appearance tomorrow and should he not
11 appear as directed, to issue a capias for his arrest.
12 In all candor, we think that Mr. Jones was on
13 sufficient notice yesterday as to what the likely
14 consequences of his non-appearance here today would
15 be and so that's what we are requesting. And we are
16 requesting relief from this continued defiance of --
17 of these proceedings and Mr. Jones' continued effort
18 to make a mockery of this case.

19 ATTY. PATTIS: I'm not hearing you, Judge.

20 THE COURT: That's because I muted to be polite.
21 I think, Attorney Pattis, you would most likely agree
22 with me that as a matter of fundamental fairness, if
23 the Jones defendants intend to call any witnesses at
24 their trial which is coming up, Mr. Jones has to
25 produce himself for a deposition. The deadline for
26 the depositions in the most recent modified
27 scheduling order is March 31st, so we're really out

1 of time at this point and of course, as you know, the
2 motion for protective order was denied.

3 So I have not read the emergency motion for
4 order. I'm happy to hear your argument now, Attorney
5 Pattis. I'm happy to give you some time today to
6 file an objection to the motion for order once you've
7 had an opportunity to review it, but I am going to
8 address the issue, so tell me what you suggest and
9 how you would like to proceed.

10 ATTY. PATTIS: I do. So I -- First as to the
11 representations of counsel, I informed Mr. Mattei --
12 I don't know if we put it on the record -- that I was
13 informed at roughly six -- between 6:10 -- 6:50 and
14 7:10 that Mr. Jones was in a medical clinic and I
15 have -- I know the identity of the clinic. I know
16 the identity of the doctor. I have reached out to
17 speak to that doctor. This was somebody that was
18 referred to Mr. Jones by Doctor Margal (phonetic) who
19 is here with me right now. I had him come in when I
20 learned of this hearing. And it's my understanding
21 that Mr. Jones is receiving medical care and is
22 following his doctor's orders.

23 I've not seen the emergency motion. The
24 potential request for a capias is something I've
25 begun to research and I've not had a chance to
26 complete that research. I only learned of the motion
27 about a half an hour ago, so I would request some

1 additional time.

2 I don't know that fundamental fairness requires
3 that Mr. Jones not be permitted to call witnesses. I
4 mean, he has been deposed in related Sandy Hook
5 matters three times and there is a public record of
6 that, so I'm not sure --

7 THE COURT: I -- I couldn't -- You broke up a
8 little bit. Can you get a little closer, if you
9 don't mind, to your device? Thank you very much.

10 ATTY. PATTIS: Sorry.

11 THE COURT: You said something about depositions
12 of Mr. Jones.

13 ATTY. PATTIS: I -- I heard the Court say that
14 -- that I might agree with you that fundamental
15 fairness might somehow require that Mr. Jones not be
16 permitted to call witnesses in exchange for his not
17 sitting. I -- I don't agree with that. Mr. Jones
18 has thrice sat for depositions in Sandy Hook related
19 cases and the defendants (sic) are well-aware of his
20 statements on this issue. Having said that, I
21 understand that the Court may take a different view.

22 As to the potential for a capias, I'm not sure
23 when I cut out. I would like the opportunity to
24 address that issue by way of a written pleading. I
25 remind the Court that, you know, he's in Texas on an
26 out-of-state order to take a deposition. I think
27 that leave of the Texas courts would have to be

1 sought and it's a far more complicated matter than
2 might ordinarily be the case were this a simple
3 interjurisdictional case.

4 I have reached out, Judge, to the current
5 physician. My client has instructed me not to
6 disclose that person's identity other than on a -- on
7 a confidential basis consistent with HIPAA and I've
8 had discussions with her. I do believe that he has
9 been ordered not to appear. I believe he disregarded
10 his physician's order yesterday and appeared on the
11 studio.

12 Suggestions were raised yesterday that my office
13 had been less than candid with you. I strenuously
14 disagree with that. Mr. Smith's affidavit lays out
15 how he came to believe that Mr. Jones was not in the
16 studio. I was unavailable on the airplane. I am in
17 the studios today, Judge. I have walked over to the
18 broadcast side. There is a -- It's a two-building
19 facility. He is not in the building now. I don't
20 believe his intent is to be in the building.

21 Having said that, you know, the -- this is a
22 difficult procedural posture and I would like the
23 opportunity to at least review the plaintiffs'
24 pleadings and -- and formulate a written response
25 before the Court rules.

26 THE COURT: I think the transcript from
27 yesterday, Attorney Pattis -- and I understand that

1 you weren't able to participate -- made pretty clear
2 that I was not faulting Attorney Smith, that he was
3 just making his argument. I think I said that I had
4 no doubt that he would clarify. I think -- I think I
5 repeated that three or four times, but nonetheless,
6 the argument of your client, through his counsel and
7 through evidence that was submitted, was that he was
8 remaining at home; that he did not want to attend the
9 deposition because he needed to remain at home; and
10 in fact, he was not remaining at home. So I would
11 like to believe --

12 ATTY. PATTIS: May I -- May I --

13 THE COURT: Let me just finish. Not yet.

14 I would really like to be -- be able to believe
15 what you say because that's what you've been told,
16 but of course, that's secondhand if not thirdhand and
17 so it's not evidence and short of some credible
18 evidence that contains some reasonable information,
19 which was not the case with that letter yesterday
20 from the Florida physician, there's nothing before
21 me. I -- And I think Attorney --

22 ATTY. PATTIS: Your --

23 THE COURT: Attorney Pattis, we might have just
24 lost you again. Are you there?

25 ATTY. PATTIS: I can hear you. Can you hear --

26 THE COURT: Yes. I can hear you. You're -- You
27 just disappeared for a second, so --

1 ATTY. PATTIS: Okay.

2 THE COURT: Mr. Ferraro, just make sure that you
3 keep an eye on Attorney Pattis' appearance so that he
4 doesn't disappear without us knowing it.

5 Okay. There you are. So the issue of I --
6 There's no reason that I can't address the issue of
7 an order, not a capias, but an order for him to
8 appear for the deposition tomorrow, although, I don't
9 hear, Attorney Pattis, that you're asking me for time
10 to even submit ex parte evidence that I should
11 consider like, you know, to supp -- to support your
12 position that he's at a clinic.

13 And I will say this, Attorney Pattis, as I said
14 yesterday, in my role as a presiding judge in
15 Bridgeport for ten years straight, I dealt on a
16 regular basis, on a regular basis -- you would be
17 surprised at how often we would get continuance
18 requests from parties or their lawyers indicating
19 that they couldn't show up for their trial, they
20 couldn't show up for their hearing because they were
21 ill or because they were at a clinic or they were
22 here or there and, you know, they reported to a
23 clinic with complaints that weren't valid. In other
24 words, you maybe will be surprised or maybe you
25 wouldn't be surprised how often this would be done
26 just to avoid a deposition or a trial.

27 So -- And right now, I don't even have any

1 evidence to evaluate. I -- I will say that in my
2 opinion, I was deceived yesterday, not intentionally
3 by Attorney Smith and I made that clear yesterday,
4 but I was deceived by the evidence and the argument
5 Mr. Jones made about his need not to go to the
6 deposition because he was remaining at home under
7 Court (sic) supervision and I will say that only
8 because Attorney Mattei pointed out that he was --
9 that Mr. Jones was broadcasting live the day before
10 the hearing and the day of the hearing, did that --
11 that was the only way it would have ever come to the
12 Court's attention, which is why I asked Attorney
13 Smith for clarification.

14 So I simply cannot accept argument of counsel
15 without credible, genuine, and reasonable proof and I
16 don't have anything here. So are you looking for an
17 opportunity to file, even ex parte, some medical
18 record that you want the Court to consider?

19 ATTY. PATTIS: Yes. And may -- May -- If I can
20 address the candor issue, Judge? I didn't mean to
21 distract you. I got a re -- report of how the thing
22 went when I was between flights last night and I
23 don't think any lawyer wants to hear a suggestion
24 that he or his partner were less than candid with the
25 Court and Mr. Smith may have taken your words to
26 heart. They were devastating to our firm and we
27 began to evaluate whether we had conflicts because if

1 someone were to question our candor, that is a
2 fundamental obligation, even in the most difficult
3 case to the Court and so I -- I hear what you say and
4 I read the ruling that came out last night and it
5 appeared to be different than the report I got and
6 I'm just going to chalk that out to Mr. Smith's being
7 on the receiving end of -- of -- of -- of an argument
8 he didn't pick and that he was covering, given my
9 unavailability. Having --

10 THE COURT: I don't want to belabor the point,
11 but I thought that -- or at least I attempted to make
12 clear that I was not in any way suggesting that
13 Attorney Smith intentionally misled the Court because
14 we all know that attorneys aren't held to the
15 veracity of all the evidence they submit and they,
16 you know, know what their client tells them.
17 However, once an attorney has misled the Court --

18 ATTY. PATTIS: No, I got it.

19 THE COURT: -- and it --

20 ATTY. PATTIS: I --

21 THE COURT: -- they have an obligation to
22 clarify, which is what I gave him, an obligation to
23 clarify in which he did, but it is troublesome to me
24 because that was the position of your client and now
25 he did not show up for the deposition today.

26 There is -- There -- As far as I know, there has
27 been no additional in-camera request for any

1 documents and there's no evidence at this point to
2 suggest that the circumstances had changed. I'd like
3 to believe what your client tells you, but I would be
4 foolish to just accept what is said without evidence,
5 which is not good for the Court to do in any case.

6 So I -- I will give you time to object to the
7 motion for order on the issue of the capias. I'd
8 also give you time, if you want, to try to submit
9 something -- a medical record -- ex parte, I suppose.
10 But I am going to address today, because there's no
11 reason that we can't address as it currently stands,
12 a Court order that he appear for his deposition
13 tomorrow.

14 ATTY. PATTIS: Understood.

15 THE COURT: All right. So --

16 ATTY. PATTIS: I am requesting the opportunity,
17 obviously, to gather some medical records for you and
18 -- and then I'll -- I'll -- I'll look to Mr. Ferraro
19 for instructions on how to get them to you on an ex
20 parte basis.

21 THE COURT: And so I, again, say, you know, I
22 was able to do it yesterday by questioning Mr. Smith
23 about the documents before I even decided, but why
24 can't -- I don't want a slew -- I will not accept an
25 in-camera review for a slew of documents that are all
26 ex parte when they simply could be redacted and so I
27 don't want to just accept or agree to this in-camera

1 review of documents that we're not even identifying.
2 So I'm going to leave it to you and Attorney Mattei
3 as to how to address that, but I'd certainly like to
4 give you an opportunity to address what I intend to
5 do now is whether or not he should be Court ordered
6 in this case, not with a capias at this point, but
7 just Court ordered to appear for his deposition
8 tomorrow as his situation currently stands.

9 ATTY. PATTIS: I believe a subpoena is a Court
10 order and such an additional order would be
11 surplusage and back -- and simply is a prelude to
12 seeking a capias. I think that if he -- You know, he
13 is under a standing order in the form of the
14 subpoena. The plaintiffs have received a commission
15 to proceed on an out-of-state basis. They've
16 announced their intentions to go forward tomorrow. I
17 will simply make those intentions known to my client
18 and he will choose to appear or not. If he chooses
19 twice to disobey an order to appear under this
20 interstate notion -- motion, rather, and from a --

21 THE COURT: I don't know if you can hear me,
22 Attorney Pattis, but your screen just froze.

23 Attorney Atkinson, do you think that maybe you
24 can contact Attorney Pattis? I don't even know if he
25 knows that his --

26 ATTY. ATKINSON: I am working on it right now,
27 Your Honor.

1 THE COURT: Thank you.

2 ATTY. ATKINSON: Your Honor, I believe he's
3 going to attempt to re-log in. What I can note to
4 you is usually I get a notification that my texts to
5 him have been delivered and for some reason, I'm not
6 getting that notification now, so I would chalk that
7 up to a poor signal in his area.

8 THE COURT: Okay. We'll standby. Thank you.

9 (The Court waited for Attorney Pattis to rejoin
10 the Teams meeting.)

11 ATTY. PATTIS: I can see everyone. I don't know
12 if you can see me or hear me. I'm sorry.

13 THE COURT: You actually are back and I can hear
14 you so we are back on the record.

15 You were speaking --

16 ATTY. PATTIS: I apologize.

17 THE COURT: That's all right. You were
18 speaking.

19 ATTY. PATTIS: I don't remember the last thing I
20 said, Judge. I'm flustered by the phone.

21 THE COURT: All right. We were -- So I am now
22 addressing the -- We're discussing the Court order
23 for the deposition. I believe you were arguing that
24 it was not necessary. When you're done, I'm going to
25 turn to Attorney Mattei on that and then we'll
26 address the filing of your objection to the motion
27 for order which I have not read since it was just

1 filed, but which I assume addresses the capias and
2 you did want to respond to that. So anything
3 further?

4 ATTY. PATTIS: (Indiscernible).

5 THE COURT: Go ahead.

6 ATTY. PATTIS: I was simply saying that we, you
7 know, Mr. Jones is -- is obliged to appear as a party
8 under an interstate commission. The Court denied his
9 motion for a protective order. I construe that as
10 the functional equivalent of an order to appear and I
11 don't believe a supplemental order is either
12 necessary or needed.

13 THE COURT: Thank you.

14 Attorney Mattei?

15 ATTY. MATTEI: Attorney Pattis is mistaken. Mr.
16 Jones' appearance today was pursuant to a notice of
17 deposition which is how we compel the appearance of
18 parties. We did not seek a subpoena for him because,
19 as a party, he was required to appear pursuant to the
20 notice. That said, I -- I appreciate Mr. Pattis'
21 concession that he was obligated to part -- appear
22 here pursuant to that notice and in light of the
23 Court's order yesterday.

24 I think what we are seeking now is -- is the
25 Court to put Mr. Jones on notice, should it order him
26 to appear tomorrow, of the consequences of that -- of
27 a failure to appear tomorrow and I understand that

1 the Court is willing to provide Attorney Pattis with
2 an opportunity to present evidence in some fashion,
3 although we would oppose any sort of ex parte or in-
4 camera review this afternoon, but if the Court
5 concludes that it is appropriate for an order to
6 enter directing Mr. Jones' appearance tomorrow, we
7 would ask that it be accompanied by notice that
8 failure to appear will result in the issuance of a
9 capias.

10 And -- And just to follow-up on Attorney Pattis'
11 comments about how that would work, as you know,
12 Judge, you have full authority to enter a capias
13 order here. Whether Mr. Jones is then taken into
14 custody as a result of that order might involve
15 enforcement in Texas, but it is within the Court's
16 authority to control the proceedings before it and if
17 Mr. Jones does willfully appear to -- fail to appear
18 tomorrow, as I suspect he will, we would ask that a
19 capias issue.

20 THE COURT: Right. So I would want, Attorney
21 Mattei, more briefing on the issue if that is
22 something that you are pursuing. I've only issued
23 capiases when a subpoena has been served. So I don't
24 know what the Court's authority is with respect to a
25 notice of deposition. I understand that there are
26 other sanctions that certainly can enter for a
27 party's failure to appear for a deposition and that

1 is what I started out when I was speaking with Mr.
2 Pattis, the issue of fundamental fairness requiring

3 --

4 ATTY. MATTEI: Yeah.

5 THE COURT: -- a party who intends to call
6 witnesses at trial, they have to, at a minimum,
7 produce themselves for a deposition, but I would want
8 further briefing.

9 So we'll discuss -- We'll discuss that shortly,
10 the briefing schedule on the capias issue and the
11 briefing schedule for Mr. Jones on the obj --
12 objection to your emergency motion, but I do want to
13 make one thing clear, Attorney Pattis, if I may. I
14 -- If there is any in-camera filing, it -- it cannot
15 -- it can only be a report from a doctor or a medical
16 record. I'm not -- I sure am not in any way
17 suggesting that you should be filing any kind of
18 brief or document or anything with any argument at
19 all. It would simply be similar to what was filed
20 yesterday, a letter from a medical provider or -- or
21 something along those lines. I don't want to have a
22 -- another issue created.

23 But did you want to respond on the issue with
24 respect to the Court order, the lack of subpoena, or
25 anything along those lines before I address the
26 briefing schedule which is going to be extremely
27 expedited?

1 ATTY. PATTIS: Our -- Our preliminary view of
2 that issue is that the Court lacks authority to enter
3 a capias under such circumstances; that because it's
4 a, you know, notice of a deposition by way of an
5 interstate commission, the authority -- while the
6 Court -- while this Court has authority to enforce
7 its own decisions and whatnot, basically Connecticut
8 is in Texas by way of interstate comity and they'd
9 have to seek that relief from a Texas judge. We
10 believe you lack that authority, but we will brief
11 that for you.

12 THE COURT: I appreciate that.

13 All right. So this is all going to get done
14 today and tonight. So in light of that, Attorney
15 Pattis, give me your proposal as to when I can go
16 into this file and review your objection.

17 ATTY. PATTIS: It's now, what, noon Connecticut
18 time, Judge?

19 THE COURT: A little after. 20 -- Yeah. 12:30-
20 ish.

21 ATTY. PATTIS: Well -- So my -- I have two tasks
22 in mind and I have, obviously, help in the office.
23 So I will attend to -- And I understand your order .
24 and direct -- well, I understand your directive as to
25 anything we submit ex parte. If we submit anything
26 at all, it will be from a physician in a form that --
27 from a physician and it will be unaccompanied by any

1 brief or any form of legal argumentation or
2 representation of fact by me. And then we -- I guess
3 we would request until -- You know, if you're going
4 to -- If the other side -- If the plaintiffs need to
5 respond, could we have until 3:30 to file something
6 on the extent of your authority to -- to issue a
7 capias? I'm not sure what Mr. Atkinson is doing
8 today, but you know, clearly that -- my request would
9 be for assistance from him, so may we have until
10 3:30?

11 THE COURT: So I -- I will look -- That sounds
12 more than reasonable, so I will look for your filing
13 in response to this motion for order and hopefully
14 addressing the issue of the Court's authority to
15 issue a capias by 3:30 today. I'd --

16 ATTY. PATTIS: May I have --

17 THE COURT: Go ahead.

18 ATTY. PATTIS: Could I have until (audio
19 dropped) on the -- on the medical record? I don't
20 know just how possible it's going to be to contact
21 the doctor, but may I have until 5 p.m. on that?

22 THE COURT: So by 4 p.m. you asked?

23 ATTY. PATTIS: I would -- I asked for -- for
24 five, but four -- I'll take whatever you get -- I'll
25 do whatever you tell me. I -- I was looking for five
26 just because it's the close of business. I don't
27 know how possible it's going to be to reach this

1 person. Obviously, I'm going to have to make every
2 effort to do so.

3 THE COURT: All right. So 5 p.m. our time. I
4 would suggest -- And not later than that. I would
5 suggest that the same process be filed -- be followed
6 that it's sent to Attorney Ferraro at his judicial
7 branch email which he can then forward to me and we
8 will -- we're still trying to figure out the exact
9 correct process. I think we lodged the document
10 yesterday. We're referring to it as a Court exhibit,
11 although it's not available to the public. We'll
12 follow that same procedure for the email that you're
13 going to send, if any, to Mr. Ferraro by 5 p.m.
14 today.

15 If, Attorney Pattis, you are not going to be
16 submitting anything, please make sure that you email
17 Mr. Ferraro and tell him that. So by 5 o'clock
18 today, we're either going to have some kind of
19 medical record or an email from you to Mr. Ferraro
20 basically saying, don't worry, we're not submitting
21 anything else. Otherwise, we're going to be
22 constantly -- He'll be refreshing his email and --
23 and looking for something or be concerned that it got
24 lost, so just let him know either way.

25 If you are intending on filing any other
26 evidence along the lines of an affidavit from the
27 physician or an affidavit for Mr. Jones, that would

1 need to be -- that is not something I'm going to be
2 able to review in-camera if that's something that you
3 were considering, so that would have to be -- that
4 would have to be provided to the other parties.
5 Whether you did that under a motion -- Whether you
6 did that under a motion to seal, I leave that up to
7 you. All right. But I just want to make sure you're
8 not sending me any in-camera affidavits because that
9 would not be proper.

10 ATTY. PATTIS: Oh, please tell me this did not
11 die again.

12 THE COURT: No. We -- We hear you, Mr. Pattis.

13 ATTY. PATTIS: Oh, okay. Okay. Thank you. I
14 just can't see you. I'm sorry.

15 THE COURT: All right. So just to confirm, your
16 opposition to the emergency motion for order and your
17 briefing on the capias issue will be filed with the
18 Court by 3:30 and your response to Mr. Ferraro will
19 be due by 5 o'clock either with a medical record or
20 just your email saying we're not going to submit
21 anything. All right.

22 And -- And I -- Attorney Cerame, I am going to
23 turn to you. Don't worry. All right?

24 Attorney Mattei, what -- what would you like to
25 do on your briefing for the capias? Do you want to
26 do the same 3:30? Does that work? You're muted.

27 ATTY. MATTEI: I'm going to defer to Attorney

1 Sterling on -- on that.

2 THE COURT: So I think I know what Attorney
3 Sterling and Attorney Atkinson are going to be doing
4 this afternoon.

5 ATTY. STERLING: That's right, Your Honor. For
6 the record, Attorney Sterling here.

7 THE COURT: And you know what I'll be doing
8 tonight, so there we go.

9 ATTY. STERLING: Yup. 3:30 is fine, Your Honor.

10 THE COURT: Okay. Attorney Cerame?

11 ATTY. CERAME: Yes.

12 THE COURT: What would you -- Would you like to
13 address any of these issues and would you like to
14 participate in any of the briefing, sir?

15 ATTY. CERAME: How many more idioms are there
16 for I have no dog in this fight?

17 THE COURT: I just don't want to forget about
18 you.

19 ATTY. CERAME: That's very kind of you, Your
20 Honor. I don't think we'll be submitting anything.

21 THE COURT: Okay.

22 ATTY. CERAME: Thank you.

23 THE COURT: All right.

24 ATTY. MATTEI: Your Honor, may I ask before we
25 leave, if -- if Attorney Pattis files by five, let's
26 say close to five, the deposition's scheduled for
27 tomorrow, can you give us a sense of when you would

1 anticipate ruling?

2 THE COURT: I'm going -- I'm going -- I'm going
3 to talk to Mr. Ferraro about how we're going to do
4 this. I'm going to be reviewing everything at 3:30
5 and as soon as I -- you know, no later than five,
6 I'll either be reviewing an in-camera document or not
7 and Mr. Ferraro hopefully, I haven't spoken to him
8 about this yet, but hopefully he can process the
9 orders remotely from home tonight and he has
10 everyone's email so he can email everyone the order
11 as well so that you'll -- listen, I don't know how
12 much you'll be filing. If it's 60 pages and I have
13 to do significant research, it's going to be much
14 later tonight, but if it's not that complicated an
15 issue and the briefing isn't that tricky, then you'll
16 get something earlier. If, for example, Attorney
17 Pattis tells Mr. Ferraro at 4 o'clock I'm not going
18 to submit anything or he has already submitted
19 something by 4 o'clock, I may very well by 4:15 be
20 able to enter the orders and -- and Mr. Ferraro will
21 email you and will also get those orders processed so
22 they'll be on the website.

23 But I will say this: Because there is no other
24 evidence -- proper evidence before me and because I
25 don't need briefing on the issue of whether he should
26 appear for his deposition, I am going to order him to
27 appear for his deposition tomorrow ordered as part of

1 the official court file, so that order will be in
2 writing and it's also on the record now. And that --
3 Of course, if there is evidence that's submitted that
4 persuades the Court that it would be dangerous to his
5 health for him to attend the deposition, then that
6 order may change, but right now, absent any amendment
7 to the order, he is ordered to produce himself for
8 the deposition tomorrow.

9 All right. Anything further from anyone at this
10 point?

11 ATTY. PATTIS: Nothing.

12 ATTY. MATTEI: Nothing. Thank you.

13 ATTY. CERAME: No, Your Honor.

14 THE COURT: All right. Thank you. We're
15 adjourned.

16 (The matter concluded.)
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UWY-X06-CV18-6046436-S	:	SUPERIOR COURT
ERICA LAFFERTY, ET ALS.,	:	COMPLEX LITIGATION
V.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.	:	MARCH 23, 2022
UWY-X06-CV18-6046437-S	:	SUPERIOR COURT
WILLIAM SHERLACH, ET AL.,	:	COMPLEX LITIGATION
V.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.	:	MARCH 23, 2022
UWY-X06-CV18-6046438-S	:	SUPERIOR COURT
WILLIAM SHERLACH, ET AL.,	:	COMPLEX LITIGATION
V.	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS.	:	MARCH 23, 2022

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Waterbury at Waterbury, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 23rd day of March, 2022.

Dated this 24th day of March, 2022 in Waterbury, Connecticut.


 Jocelyne Greguoli
 Court Recording Monitor